



City of NORFOLK

C: Dir., Departments of Utilities

To the Honorable Council
City of Norfolk, Virginia

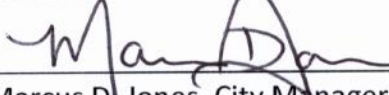
March 15, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Acquisition and vacation of
utility easements in former Bluestone
Avenue right-of-way

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

PH-1

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk Department of Utilities

III. **Description:**

This agenda item is an ordinance to approve the conveyance of a variable-width utility easement from Old Dominion University ("ODU") to the City of Norfolk (the "city") and to vacate a portion of an existing utility easement in the former Bluestone Avenue right-of-way on the campus of ODU.

IV. **Analysis**

The city and ODU have agreed to make the proposed changes to reflect the alignment of an existing sewer main on campus. The proposed easement will allow the city to continue to own and maintain the public sewer main which traverses ODU property. The vacated easement will release property to ODU. Hampton Roads Sanitation District ("HRSD") no longer requires its easement, having abandoned its line in the location under consideration.

V. **Financial Impact**

None.

VI. **Environmental**

N/A.

VII. Community Outreach/Notification

Action has been prepared collaboratively between the city, HRSD, and ODU. No other parties, rights or usage are affected. Public notification for this agenda item was conducted through the city's agenda notification process

VIII. Board/Commission Action

N/A

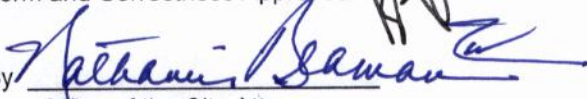
IX. Coordination/Outreach

This letter and ordinance have been coordinated with Hampton Roads Sanitation District, Old Dominion University, Department of Utilities, Department of City Planning, and the City Attorney's Office.

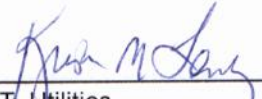
Supporting Material from the City Attorney's Office:

- Ordinance
- Plat

Form and Correctness Approved:

By 
Office of the City Attorney

Contents Approved:

By 
DEPT. Utilities

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE CONVEYANCE OF A UTILITY EASEMENT IN THE FORMER RIGHT-OF-WAY OF BLUESTONE AVENUE TO THE CITY OF NORFOLK BY THE VISITORS OF OLD DOMINION UNIVERSITY; AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEED OF EASEMENT ON BEHALF OF THE CITY; APPROVING THE RELEASE BY THE CITY OF NORFOLK TO THE VISITORS OF OLD DOMINION UNIVERSITY OF A CERTAIN PORTION OF A 1966 UTILITY EASEMENT LOCATED IN THE FORMER RIGHT-OF-WAY OF BLUESTONE AVENUE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEED OF RELEASE ON BEHALF OF THE CITY.

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WHEREAS, the City of Norfolk ("Norfolk"), along with Hampton Roads Sanitation District ("HRSD"), has a utility easement over certain property owned by the Visitors of Old Dominion University ("ODU"), the said easement being located in the former right-of-way of Bluestone Avenue and being described in that certain Deed of Easement dated December 1, 1966, a copy of which is attached as Exhibit A ("1966 easement"), the 1966 easement having been granted to Norfolk and to HRSD for the installation, operation, maintenance, repair, renewal and relocation of and access to underground utilities and appurtenances thereto; and

WHEREAS, Norfolk has requested that ODU grant to Norfolk a new utility easement for water and sewer to be located in the

former right-of-way of Bluestone Avenue as shown on the exhibit sketch and denoted thereon as "Proposed Utility Easement," a copy of which is attached hereto as Exhibit B, the said utility easement being further described in Exhibit C attached hereto; and

WHEREAS, ODU has requested that Norfolk release a certain portion of the 1966 easement, said portion of the 1966 easement being shown on Exhibit B, denoted thereon as "Existing Utility Easement To Be Vacated," and being further described in Exhibit D, attached hereto; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the conveyance to Norfolk by ODU of a utility easement shown on Exhibit B and described in Exhibit C, located in the former right-of-way of Bluestone Avenue, is hereby approved and the City Manager and other proper officers of Norfolk are hereby authorized to accept a Deed of Easement, or other appropriate instrument, in form satisfactory to the City Attorney.

Section 2:- That the vacation and release of that certain portion of the 1966 easement shown on Exhibit B and described in Exhibit D is hereby approved and the City Manager and other proper officers of Norfolk are authorized to deliver a Deed of Release, or other appropriate instrument, in form satisfactory to the City Attorney, to the appropriate official of ODU and to do all things necessary and proper to vacate and release the said portion of the 1966 easement.

Section 3:- That this ordinance shall be in effect from and after 30 days from the date of its adoption.

6108

THIS DEED OF EASEMENT, dated this 1st day of December, 1966, by and between the VISITORS OF NORFOLK COLLEGE, now known as Old Dominion College, a corporation organized and existing under the laws of the Commonwealth of Virginia, party of the first part, and the CITY OF NORFOLK, a municipal corporation and HAMPTON ROADS SANITATION DISTRICT, a political subdivision of the Commonwealth of Virginia, parties of the second part.

WITNESSETH THAT:

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does grant, bargain, sell and convey, with General Warranty, unto the parties of the second part an easement for the installation, operation, maintenance, repair, renewal and relocation of and access to their underground utilities and appurtenances thereto situate in the former right of way of Bluestone Avenue between 45th Street and 49th Street, more particularly described as follows:

(1) Beginning at the intersection of the northern line of 47th Street and the prolongation northwardly of a line distant 16 feet eastwardly from and parallel to the western line of Bluestone Avenue, as said streets were established prior to the closing and vacating of portions of 47th Street and Bluestone Avenue by act of council on August 24, 1965, Ordinance No. 23, 147; thence southwardly along a line parallel to the former western line of Bluestone Avenue and distant 16 feet eastwardly therefrom, 311 feet to a point; thence eastwardly 26 feet along a line parallel to the southern line of 46th Street and distant 9 feet northwardly therefrom as said street was established prior to the closing and vacating of a portion of 46th Street by the abovementioned ordinance; thence southwardly along a line parallel to the former western line of Bluestone Avenue and distant 42 feet eastwardly therefrom 28.44 feet to a point; thence southwardly along a line parallel to the former eastern line of Bluestone Avenue and distant 76 feet westwardly therefrom, as measured at right angles thereto, 184.53 feet to the northern line of 45th Street; thence eastwardly along the northern line of 45th Street 20.44 feet to a point; thence northwardly along a line parallel to the former eastern line of Bluestone Avenue and distant 56 feet westwardly therefrom, as measured at right angles thereto, 186.65 feet to a point; thence northwardly along a line parallel to the former western line of

Bluestone Avenue, and distant 62 feet eastwardly therefrom, as measured at right angles thereto, 337.36 feet to the former northern line of 47th Street; thence westwardly along last mentioned line 46 feet to the point of beginning; said easement being shown on a plat numbered 4252 on file with the Division of Surveys, Department of Public Works, Norfolk, Virginia.

(2) Beginning at a point in the northern line of 47th Street distant 16 feet eastwardly from the intersection of the northern line of 47th Street and the western line of Bluestone Avenue, as said Bluestone Avenue was established between the northern line of 47th Street and the southern line of 49th Street prior to the closing and vacating thereof by act of Council on January 26, 1965, Ordinance No. 22, 851; thence northwardly along a line parallel to the aforesaid western line of Bluestone Avenue and distant 16 feet eastwardly therefrom, as measured at right angles thereto, 71.45 feet to a point; thence northeastwardly 19.82 feet to a point distant 30.02 feet eastwardly, as measured at right angles thereto, from the said western line of Bluestone Avenue; thence northwardly along a line parallel to the said western line of Bluestone Avenue and distant 30.02 feet eastwardly therefrom, as measured at right angles thereto, 51.64 feet to a point; thence northwestwardly 19.82 feet to a point distant 16 feet eastwardly, as measured at right angles thereto, from the aforesaid western line of Bluestone Avenue; thence northwardly along a line parallel to the aforementioned western line of Bluestone Avenue, and distant 16 feet eastwardly therefrom, as measured at right angles thereto, 58.96 feet to its intersection with the prolongation eastwardly of the southern line of 48th Street, as established prior to the closing and vacating thereof by act of Council on January 26, 1965, Ordinance No. 22, 851; thence westwardly 16 feet along said prolongation to the former southwestern corner of 48th Street and Bluestone Avenue; thence northwardly 60 feet to the former northwestern corner of Bluestone Avenue and 48th Street, thence eastwardly along the prolongation eastwardly of the former northern line of 48th Street, 16 feet to a point; thence northwardly along a line parallel to the former western line of Bluestone Avenue, and distant 16 feet eastwardly therefrom, as measured at right angles thereto, 209.99 feet to the southern line of 49th Street; thence eastwardly along the southern line of 49th Street, 46 feet to a point; thence southwardly along a line parallel to the former eastern line of Bluestone Avenue, and distant 18 feet westwardly therefrom, as measured at right angles thereto, 480.05 feet to the northern line of 47th Street; thence westwardly along last mentioned line 46 feet to the point of beginning; said easement being shown on a plat numbered 4207 on file with the Division of Surveys, Department of Public Works, Norfolk, Virginia.

The grantor, its assigns and successors in title, reserve the right to use the land through which said easement and right of way are granted for its own purposes, provided such use is not inconsistent and does not in any way interfere with the said easement and right of way, and provided further

that no buildings shall be constructed on, over, along and across said right of way.

The said party of the first part covenants that it has the right to convey the aforesaid easement, that it has done no act to encumber the same; that the grantee shall acquire possession thereof in accordance with the terms of this deed, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name and on its behalf by Frank Batten its Rector, and its corporate seal to be hereunto affixed and attested by James A. Howard, Secretary

VISITORS OF NORFOLK COLLEGE
now known as Old Dominion College

By

Frank Batten

Attest:

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James A. Howard
Secretary

STATE OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, Alice M. Thompson, a Notary Public in and for the City of Norfolk in the State of Virginia, whose commission expires on the 2nd day of January, 1970, do certify that James A. Howard, Secretary ~~and~~ of the Visitors of Norfolk College, now known as Old Dominion College, whose name as such ~~and~~ is signed to the foregoing writing, bearing date of the 1st day of December, 1966, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this 18th day of July, 1967

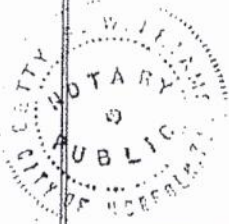
Alice M. Thompson
Notary Public

STATE OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, Betty S. Williams, a Notary Public in and for the City of Norfolk in the State of Virginia, whose commission expires on the 6th day of June, 1971, do certify that Frank Batten, Rector of the Visitors of Norfolk College, nowknown as Old Dominion College, whose name as such is signed to the foregoing writing bearing date of the 1st day of December, 1966, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this 19th day of July, 1967.

Betty S. Williams
Notary Public



FORM APPROVED:
Robert D. Holland
ASS. CITY ATTORNEY

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VIRGINIA:

In the Clerk's Office of the Corporation Court of the City of Norfolk, on the 4th day of August 1967 at 10:15 A.M.

This Deed was this day received and upon certificate of acknowledgment, thereto annexed, admitted to record.

TESTE: W. L. PRIEUR, Jr., Clerk
By *Glady Adams* D.C.

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EXHIBIT B

C. ALLAN BAMFORTH, JR.,
ENGINEER - SURVEYOR, LTD.
NORFOLK, VIRGINIA

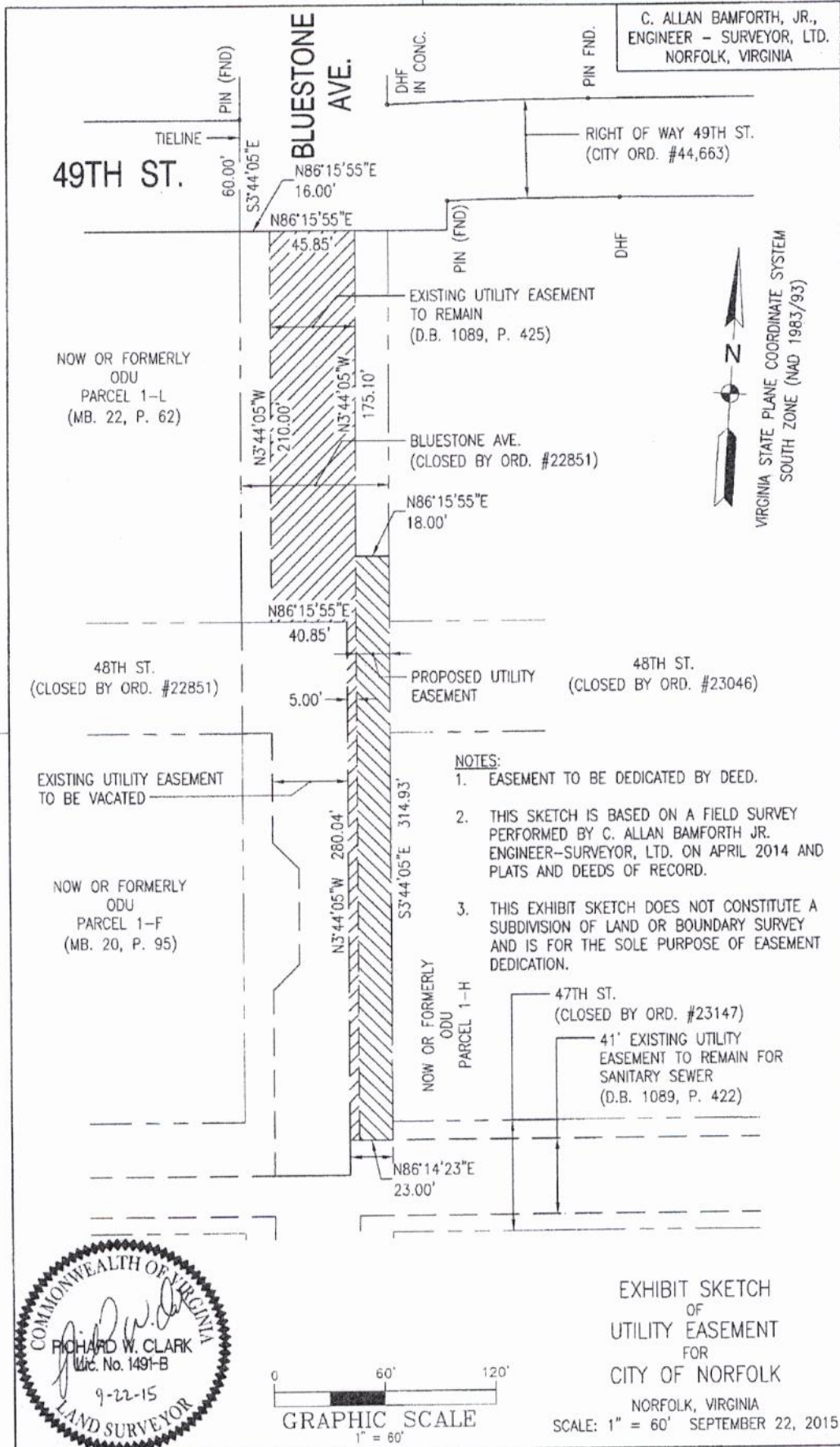


EXHIBIT C

Sanitary Sewer Easement Over a Portion of Bluestone Avenue

An rectangular shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of a closed section of Bluestone Avenue and being further described as follows: COMMENCING at a point that is the intersection of the northern right of way line of 49th Street and the western right of way line of Bluestone Avenue, said intersection being shown on a plat entitled, "Plat of Norfolk Waterfront Devel't Co." said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 3, Page 11; thence, from said point of commencement thus described running S 3°44'05"E, 60.00 feet, more or less, along the southerly extension of the said western right of way line of Bluestone to the southern right of way line of 49th Street; thence, N 86°15'55"E, 61.85 feet along the said southern right of way line of 49th Street to a point; thence, leaving the said southern right of way line of 49th Street, S 3°44'05"E, 175.10 feet to the point of BEGINNING; thence, from said point of beginning thus described, being shown on an exhibit entitled, "Exhibit Sketch of Utility Easement for City of Norfolk," prepared by C. Allan Bamforth, Jr., dated April 28, 2014, N 86°15'55"E, 18.00 feet to a point; thence, S 3°44'05"E, 314.93 feet, more or less, to the northern line of an existing utility easement 41.00 feet in width, being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Deed Book 1089, Page 422; thence, S 86°14'23"W, 18.00 feet along said northern line of said existing utility easement to a point; thence, N 3°44'05"W, 314.94 feet, more or less, to the point of beginning, all as shown on said exhibit.

The above-described parcel contains 0.130 acre of land, more or less.

May 6, 2014

EXHIBIT D

Portion of Utility Easement to be Vacated

On Bluestone Avenue between 47th and 49th Streets

Beginning at a point in the northern line of 47th Street distant 16 feet eastwardly from the intersection of the northern line of 47th Street and the western line of Bluestone Avenue, as said Bluestone Avenue was established between the northern line of 47th Street and the southern line of 49th Street prior to the closing and vacating thereof by act of Council on January 26, 1965, Ordinance No. 22,851; thence, northwardly along a line parallel to the aforesaid western line of Bluestone Avenue and distant 16 feet eastwardly therefrom, as measured at right angles thereto, 71.45 feet to a point; thence, northeastwardly 19.82 feet to a point distant 30.02 feet eastwardly, as measured at right angles thereto, from the said western line of Bluestone Avenue; thence, northwardly along a line parallel to the said western line of Bluestone Avenue and distant 30.02 feet eastwardly therefrom; as measured at right angles thereto 51.64 feet to a point; thence, northwestwardly 19.82 feet to a point distant 16 feet eastwardly, as measured at right angles thereto, from the aforesaid western line of Bluestone Avenue; thence, northwardly along a line parallel to the aforementioned western line of Bluestone Avenue, and distant 16 feet eastwardly therefrom, as measured at right angles thereto, 58.96 feet to its intersection with the prolongation eastwardly of the southern line of 48th Street, as established prior to the closing and vacating thereof by act of Council on January 26, 1965, Ordinance No. 22,851; thence, westwardly 16 feet along said prolongation to the former southwestern corner of 48th Street and Bluestone Avenue; thence, northwardly 60 feet to the northwestern corner of Bluestone Avenue and 48th Street; thence, eastwardly along the prolongation eastwardly of the former northern line of 48th Street 62.00 feet to a point; thence, southwardly along a line parallel to the said western line of Bluestone Avenue and distant 62.00 feet eastwardly therefrom; as measured at right angles thereto 270.05 feet to a point on the northern line of 47th Street, being shown on that certain plat dated September, 1965 and on file in the Office of the Division of Surveys, Department of Public Works, Norfolk, Virginia in file number 4207; thence, southwardly along the prolongation of the said line parallel to the said western line of Bluestone Avenue and distant 62.00 feet eastwardly therefrom, and distant 30.00 feet to the centerline of 47th Street; thence, westwardly along said centerline of 47th Street, 46.00 feet distant to a point; thence, northwardly distant of 30.00 feet to the point of beginning, being shown on that certain plat dated February, 1965 and on file in the Office of the Division of Surveys, Department of Public Works, Norfolk, Virginia in file number 4252.

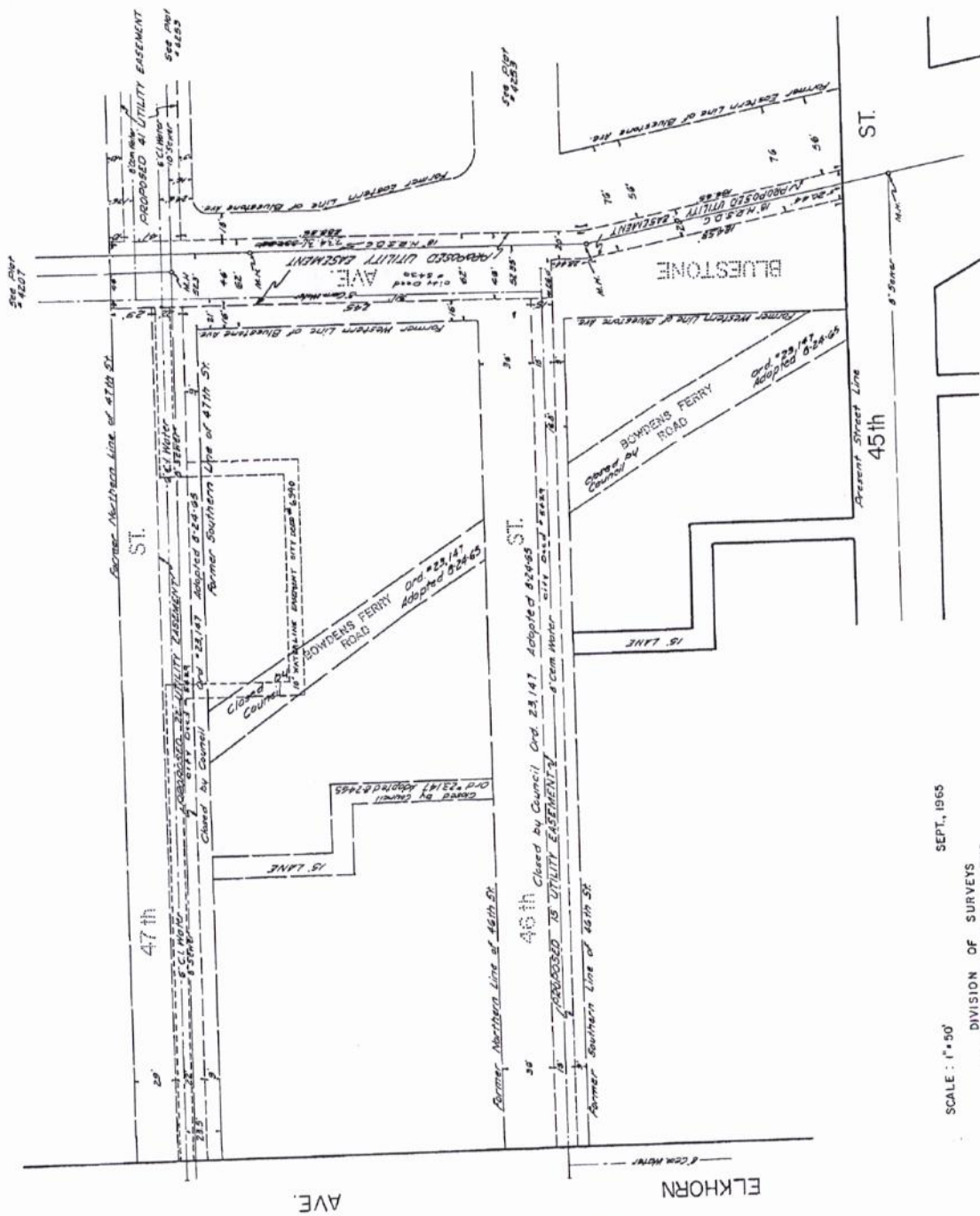
The above described area contains 0.283 acre, more or less.

August 10, 2015

Revised August 24, 2015

Revised August 27, 2015

EXHIBIT D-1



SCALE : 1"=50'

DIVISION OF SURVEYS
DEPARTMENT OF PUBLIC WORKS
NORFOLK, VA.

SEPT., 1965

4252